

OCT 12 2006

IAPG Rec'd PCT/PTO 10 OCT 2006



3213

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT

In re application of:

Calvez et al.

) Group Art Unit: N/A

)
U.S. Application Serial No. 10/550,846

) Examiner: Unknown

) Int. Application No. PCT/GB04/01285

) Int. Filing Date: March 24, 2004

) Priority Date March 24, 2003

) For: IMPROVEMENTS IN AND
) RELATING TO VERTICAL-
) CAVITY SEMICONDUCTOR
) OPTICAL DEVICES

Mail Stop PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF APPLICATION FOR PATENT
UNINTENTIONALLY ABANDONED UNDER 37 CFR 1.137(b)

Sir:

Applicant hereby petitions under 37 CFR 1.137(b) for revival of the above-identified application which was unintentionally abandoned by failing to pay the basic national fee as set forth in 37 CFR 1.495(b)(i) within 30 months from the priority date.

Applicant submits that the entire delay in paying the basic national fee under 37 CFR 1.495(b)(i) to avoid abandonment of the above-identified application, that is from the expiration of thirty (30) months from the priority date of the above-identified application until the filing of this Petition under 37 CFR 1.137(b), was unintentional.

10/17/2006 HKAYPAGH 00000105 10550846

02 FC:2453

750.00 OP

10/13/2006 CNGUYEN 00000013 10550846

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750.00 OP

D-3213

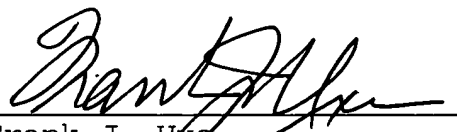
Upon grant of this Petition, applicant is submitting a check in the amount of \$150 to cover the basic national fee (small entity) in the above-identified application.

A check in the amount of \$750 for the petition fee under 37 CFR 1.17(m) is enclosed herewith.

In view of the above, applicant respectfully requests that this Petition be granted and the enclosed check for the basic national fee be properly credited to the above-identified application, and that the above-identified application be considered pending and in good standing in the Patent and Trademark Office. Should any matters remain unresolved, the Examiner is requested to call the undersigned attorney at the telephone number given below.

Respectfully submitted,

Date: 10/10/06


Frank J. Uga
Attorney for Applicant
Acting under 37 CFR 1.34
Registration No. 25,612
4 Venture, Suite 300
Irvine, California 92618
(949) 450-1750
(949) 450-1764 Facsimile



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/550,846 Confirmation No.
Applicant : Calvez
Filed : Int. Filing Date March 24, 2004
Title : IMPROVEMENTS IN AND RELATING TO VERTICAL-CAVITY
SEMICONDUCTOR OPTICAL DEVICES
TC/A.U. : NA
Examiner : NA
Docket No. : D-3213
Customer No. : 33197

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

EXPRESS MAIL MAILING LABEL NO.
Date of Deposit:

EV517444055US
October 10, 2006

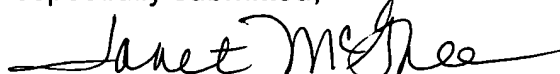
I hereby certify that the following documents as identified below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to MAIL STOP PETITION Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

- | | |
|--|--|
| <input type="checkbox"/> Utility Patent Application Transmittal | <input type="checkbox"/> Assignment; 37 CFR 3.73(b) Statement |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate) | <input type="checkbox"/> Information Disclosure Statement |
| <input type="checkbox"/> Declaration (____ page(s)) | <input checked="" type="checkbox"/> Stamped, self-addressed postcard |
| <input type="checkbox"/> Power of Attorney | <input checked="" type="checkbox"/> Other: 1. <u>Petition to Revive.</u> |
| | 2. Check in the amount of \$150 for basic national filing fee. |
| | 3. Check in the amount of \$750 for Petition fee. |

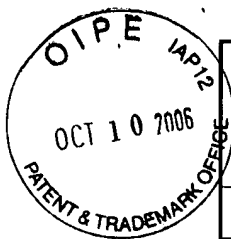
Each of the 3 above-identified documents are enclosed herewith.

Respectfully submitted,

Date: 10/10/2006



Janet McGhee
Assistant to Frank Uxa
Stout, Uxa, Buyan & Mullins, LLP
4 Venture, Suite 300
Irvine, California 92618
Telephone: 949-450-1750



FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Complete if Known

Application Number	10/550,846
Int. Filing Date	March 24, 2004
First Named Inventor	Calvez
Examiner Name	N/A
Art Unit	N/A
Attorney Docket No.	D-3213

☒ Application claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 900

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number 21-0890 Deposit Account Name Frank J. Uxa

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below

☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) associated with this communication

☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	150
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
Subtotal (1)							150

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple Dependent Claims	360	180
Total Claims	Extra Claims	Fee (\$)
-20 or HP =	x	
HP = highest number of total claims paid for, if greater than 20		
Indep. Claims	Extra Claims	Fee (\$)
-3 or HP =	x	
HP = highest number of independent claims paid for, if greater than 3		
Subtotal (2)		0

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
-100 =	/50 =	(round up to a whole number)	x	
Subtotal (3)				0

4. OTHER FEE(S)

- ☐ Surcharge - Late filing fee or oath/declaration: \$130 fee (\$65 small entity discount)
- ☐ Non-English Specification: \$130 fee (no small entity discount)
- ☐ 1-month extension of time: \$120 fee (\$60 small entity discount)
- ☐ 2-month extension of time: \$450 fee (\$225 small entity discount)
- ☐ 3-month extension of time: \$1020 fee (\$510 small entity discount)
- ☐ 4-month extension of time: \$1590 fee (\$795 small entity discount)
- ☐ 5-month extension of time: \$2160 fee (\$1080 small entity discount)
- ☐ Information Disclosure Statement Fee: \$180 fee (no small entity discount)
- ☐ Notice of Appeal: \$500 fee (\$250 small entity discount)
- ☐ Filing a Brief in Support of Appeal: \$500 fee (\$250 small entity discount)
- ☐ Request for Oral Hearing: \$1000 fee (\$500 small entity discount)
- ☐ Utility Issue Fee: \$1400 fee (\$700 small entity discount)
- ☐ Recording each patent assignment per property (times number of properties): \$40 fee (no small entity fee discount)
- ☐ Request for Continued Examination: \$790 fee (\$395 small entity discount)
- ☒ Other: Petition for Revival

10/13/2006 CNGUYEN 00000013-10550846

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150.00 OP

Subtotal (4) 750

SUBMITTED BY

Name (Print/Type)	Frank J. Uxa	Registration No. (Attorney/Agent)	25,612	Telephone	949-450-1750
Signature		Date	10/10/06		